

SENATE BILL 639  
By Ford

AN ACT to amend Tennessee Code Annotated, Title 65,  
Chapter 11, Part 1, relative to maintenance of  
public highway railroad crossings and railroad  
rights-of-way.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 65-11-101(a), is amended by  
designating the existing language as subdivision (1) and by adding the following language to be  
designated as subdivision (2):

(2) In addition to maintenance of public highway crossings as provided in  
subdivision (1), all persons, or corporations, owning or operating a railroad in this state  
are required to maintain, at the railroad company's own expense, all railroad right-of-way  
properties within municipal boundaries in accordance with local health and  
environmental laws and ordinances.

SECTION 2. Tennessee Code Annotated, Section 65-11-101, is amended by adding  
the following language to be designated as a new subsection (c):

(c)

(1) All persons, or corporations owning and operating any rail line which  
has been inactive for a twelve-month or greater period and not reasonably  
anticipated to return to active use within the succeeding twelve-month period  
shall, at its own expense, remove the portion of the rail that intersects with public  
streets.

(2) The provisions of this subsection in no way prohibit any railroad  
company from reconstructing the rail line at its own expense if it is later  
determined that the rail intersection is necessary for operation.

(3) The provisions of this subsection shall only apply in any municipality located in any county having a population in excess of eight hundred thousand (800,000), according to the 2000 federal census or any subsequent federal census.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.